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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 22nd June 2005

No. 5241—li/1(BH)-25/2003-L. E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 19th April 2005 in Industrial Dispute Case No. 72 of 2003 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the Management of Shri Prahallad Das, Contractor of Orissa Poly Fibres Limited, Dhenkanal and its Workman Shri Pranabandhu Tripathy represented through the President, Orissa Synthetics Shramik Sangha was referred for adjudication is hereby published as in the Schedule below :

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER
LABOUR COURT, SAMBALPUR
INDUSTRIAL DISPUTE CASE No. 72 OF 2003
Dated the 19th April 2005

Present :

Shri G. N. Patra, LL. B.
Presiding Officer, Labour Court,
Sambalpur.

Between :

- The Managements of .. First Party—Managements
1. Shri Prahallad Das, Contractor
of Orissa Poly Fibres Limited
Dhenkanal, Dist. Dhenkanal.
 2. The Chief Executive
M/s. Orissa Poly Fibres Limited
At Lakshminagar, P.O. Baulpur
Dist. Dhenkanal.

And

Its Workman	..	Second Party—Workman
Shri Pranabandhu Tripathy		
C/o. The President, Orissa Synthetics		
Shramik Sangha, At Mahavir Bazar,		
P.O./Dist. Dhenkanal.		

Appearances :

For the First Party—Management-1	..	Self
& Management-2.	..	Shri J. P. Jena
		Authorised Representative

For the Second Party—Workman	..	The President
		Orissa Synthetics Shramik
		Sangha, Dhenkanal.

AWARD

“This is a reference made by the Government of Orissa, Labour & Employment Department under Sections 10 and 12 of the Industrial Disputes Act, 1947, vide memo No. 11283(6), dated the 24th November 2003 for adjudication as to whether the termination of services of Shri Pranabandhu Tripathy, Contract Labour with effect from the 3rd December 2002 by Shri Prahallad Das, Contractor of M/s. Orissa Poly Fibres Limited, At Lakshminagar, P.O. Baulpur, Dist. Dhenkanal is legal and/or justified ? If not, what relief is Shri Tripathy entitled to ?”

2. After receipt of the reference, Shri Bharat Sahu, President, Orissa Synthetics Shramik Sangha, Dhenkanal filed statement of claim on behalf of the second party workman. Thereafter the first party managements were asked to file their respective written statements. But the first party management No. 1, instead of filing written statement, filed a joint petition on the 10th March 2005 signed by both the parties i.e. management No. 1 and the second party workman along with a xerox copy of memorandum of settlement, dated the 7th January 2004 arrived at by them and prayed to pass a No Dispute Award. The first party management No. 2 also filed a petition to pass No Dispute Award on the grounds that the parties to the dispute under the reference have already settled the dispute. Therefore, the matter was posted to the 2nd April 2005 for hearing on the petitions and notice was issued by Registered Post with A. D. to the second party's Union who remained absent after filing of statement of claim. The second party's Union did not appear in the Court inspite of receipt of notice under Registered Post nor took any step. However, to give a further chance to the second party, the case was further posted to the 18th April 2005 for hearing of the said petitions, but even on the said date i.e. on the 18th April 2005 although the first party management appeared, the second party Union did not appear. The petitions were therefore, heard on that date in absence of the second party workman. The first party management No. 1 filed the original memorandum

of settlement, dated the 7th January 2004 in the Court. I have gone through the settlement which appears to be quite proper and reasonable. In view of the above bipartite settlement of the dispute, the present reference made by the State Government for adjudication of the said dispute becomes redundant. Accordingly "No Dispute Award" is hereby passed in respect of the dispute under reference.

Dictated and corrected by me.

G. N. PATRA
19-4-2005
Presiding Officer
Labour Court, Sambalpur

G. N. PATRA
19-4-2005
Presiding Officer
Labour Court, Sambalpur

By order of the Governor
D. MISHRA
Under-Secretary to Government